

J.S. DIST CT.

RECEIVED

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION

MICKY WADE DAVIS, PRO SE,
PLAINTIFF

v.

Sgt. BRYANT, ET. AL.,
DEFENDANT(S)

CASE NO:

2:06-CV-10-F

OBJECTION

COMES NOW THE PLAINTIFF, MICKY WADE DAVIS #173073, A STATE PRISONER, who before this Honorable Court, UNITED STATES MAGISTRATE JUDGE, DELORIS R. BOYD, SEEKS TO DISAGREE AND THEN OBJECT WITH THE Honorable Courts RECOMMENDATION ISSUED ON JANUARY 6, 2006.

IN SUPPORT WHEREOF;

OBJECTION

PLAINTIFF MAINTAINS WHAT DUE TO THE "TOTALITY OF THE CONDITIONS", PALMER V. JOHNSON, 193 F.3D 346 (5TH CIR. 1999) THAT THE INMATES OF THE SEGREGATION UNIT S-B OF E.C.F. ARE DUE TO BE GRANTED THIS MOTION FOR PRELIMINARY INJUNCTION, THAT THE CONDITIONS ADD UP TO CREATE AN OVERALL EFFECT WHICH UNITS, IS AND WILL BE UNCONSTITUTIONAL, THAT THESE MULTIPLE CONDITIONS, INDIVIDUALLY AND THEN COLLECTIVELY VIOLATE THE 8TH AMENDMENT.

PLAINTIFF SEEKS TO INCORPORATE THE COMPLAINT OF MICHAEL ALLEN BRAZELL-#226568, (M.D. ALA.- 2:05-CV-1130-T) AS WELL AS WHAT COMPLAINT OF INMATE GARNETT GAINES (M.D. ALA.- 2:05-CV-1124-F) AND THE AFFIDAVITS OF INMATES THOMAS OTTER ADAMS-#100612, CEDRIC BROOKS-162905, KENNETH HILL, #181096, ADAM PRITS-#190612, AND GREGORY BOYKINS #226568 INTO THIS PRESENT OBJECTION OF INMATE AND PLAINTIFF PICKY LADE DAVIS-173073.

THESE COMPLAINTS AND AFFIDAVITS ARE SWORN BY ORAL AND SIGNATURE UNDER THE PENALTY OF PERJURY.

Plaintiff submits, by permission of this Honorable Court, the Declaration of NAMED AFFIDANTS, DECEMBER 6, 2005 (2:05-CV-1130-T, MICHAEL ALLEN BRASZEL) in whole as true and correct by oath and signature.

(1) NO PERSON PLAINTIFF, DEFENDANT OR OFFICER OF THE COURT CAN BE EXIST IN DETERMINING THE OUTCOME OF A COMPLAINT, BUT UPON THE EVIDENCE SUBMITTED THERE SEEMS TO BE A SUBSTANTIAL LIKELIHOOD OF SUCCESS ON THE MERITS OF THOSE CASES, AND THE THE INDIVIDUAL COMPLAINT - 2:06-CV-10-MEF.

(2) PLAINTIFF DAVIS MAINTAINS THAT THE ACTIONS OF THE DEFENDANT(S), EXEMPLIFIED BY THE SWORN AFFIDAVIT(S) SUBMITTED, CONSTITUTE CRUEL AND UNUSUAL PUNISHMENT(S) AND EACH INDIVIDUALLY AND COLLECTIVELY EXAMPLE EXCESSIVE FORCE CLAIM(S).

PLAINTIFF DAVIS MAINTAINS THAT THE SEGREGATION UNIT, OF THE E.C.F., DEPRIVES INMATES OF THE MINIMAL NECESSITIES OF CIVILIZED LIFE, BRUTALITY ITSELF IS EXEMPLIFIED BY THE DEPRIVATIONS, WHICH CAUSE AND AT TIMES CREATE PROFOUND AND OBVIOUS

psychological pain and suffering, the Segregation Unit-S form could very well be "labeled" a virtual mediator of psychoses - seeding illness in otherwise basically healthy inmates. It is a tragic and very ironic twist that the seg. unit actually nurtures rather than abates any of our individual illness and problems.

(3) Plaintiff contends that in the "interests of justice", his present request and motion for preliminary injunction must issue, that prisoners who are a product of their environment (prison) must return to a society, hopefully in better mental, emotional, and when possible physical shape.

Plaintiff would submit that, TRAVEL MAJORS of MOBILE, ALA. WAS RELEASED FROM E.C.F.'s, SEGREGATION UNIT, WHO COMMITTED A SENSELESS MURDER, HE WAS OUT LESS THAN A MONTH, THIS OCCURRED ONLY A MONTH AGO. DEC. 2005. THE "INJURIES" TO INMATES OF E.C.F.'s SEG. UNIT ARE VERY REAL AND IS EVIDENCED BY MEDICAL AND PSYCHOLOGICAL FILES, REPORTS, NOTES, ETC. AND MAY BE EXAMINED BY THE REQUIREMENT AND ORDER OF THIS HONORABLE COURT.

(3)

(4) PLAINTIFF DAVIS CONGRUOUSLY WANTS TO MAKE SURE THAT THERE WILL NOT BE ANY TYPE OF HARM OR IMPACT TO THE PUBLIC, WHICH COULD OR ACTUALLY WOULD BE ADVERSE, BUT TO THE CONTRARY SHOULD THIS PROPOSED MOTION FOR PRELIMINARY INJUNCTION AND THE STIPULATIONS ISSUE. (IMMEDIATE RELIEF, MICHAEL BRAZELL - 226568, 2:05-CV-1130-T, DEC. 6, 2005), THE PUBLIC'S SAFETY AND INTEREST IS FIRST ISSUE, IT IS EXPECTED AND THE DESIRE OF THE PLAINTIFF DAVIS THAT ONLY A POSITIVE EFFECT WOULD RESULT.

THE PLAINTIFF DAVIS, RESPECTFULLY REQUESTS THAT THIS HONORABLE COURT, UNITED STATES MAGISTRATE JUDGE, DELOROS R. BOYD WOULD ISSUE AN IMMEDIATE PRELIMINARY INJUNCTION AGAINST THE ALABAMA DEPARTMENT OF CORRECTIONS, EXISTING CORRECTIONAL FACILITY.

I, HEREBY AFFIRM, BY OATH AND SIGNATURE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY BELIEF AND KNOWLEDGE.

DONE THIS DAY OF , 2006.

X Ricky Davis 173073
 RICKY WADE DAVIS - 173073
 (4)